

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

CLERK US DISTRICT COURT
NORTHERN DIST. OF TX
FILED

2012 DEC 18 PM 3:30

DEPUTY CLERK



AGUSTIN SANCHEZ

v.

UNITED STATES OF AMERICA

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§
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§
§

2:11-CV-271

**ORDER ADOPTING REPORT AND RECOMMENDATION AND
DENYING MOTION TO VACATE, SET ASIDE, OR CORRECT SENTENCE**


Came for consideration the motion to vacate, set aside, or correct sentence by a person in federal custody filed by defendant. On November 30, 2012, the United States Magistrate Judge issued a Report and Recommendation in this cause, recommending therein that the instant motion be denied. No objections to the Report and Recommendation have been filed. Although no objections were filed, counsel for defendant has filed a "Notice of Withdrawal," indicating therein defendant wishes to withdraw the 28 U.S.C. § 2255 motion. Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A) and (a)(2), because the opposing party has already filed an answer, this case may only be dismissed upon an order by the Court. In any event, since defendant has failed to file any objections to the Report and Recommendation, the motion to vacate is ripe for ruling on the merits.

Having made an independent examination of the record in this case and having examined the Report and Recommendation of the Magistrate Judge, the undersigned United States District Judge hereby ADOPTS the Report and Recommendation. Accordingly, the

Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence filed by defendant is, in all things, DENIED.

IT IS SO ORDERED.

ENTERED this 18th day of December 2012.



MARY LOU ROBINSON
UNITED STATES DISTRICT JUDGE